

Union Calendar No. 546

106TH CONGRESS
2D SESSION

S. 1653

[Report No. 106–911]

IN THE HOUSE OF REPRESENTATIVES

MARCH 13, 2000

Referred to the Committee on Resources

SEPTEMBER 28, 2000

Reported with an amendment, committed to the Committee of the Whole
House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of Senate passed bill, see copy of bill as referred in the House of Representatives
on March 13, 2000]

AN ACT

To reauthorize and amend the National Fish and Wildlife
Foundation Establishment Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “National Fish and Wild-*
5 *life Foundation Establishment Act Amendments of 2000”.*

1 **SEC. 2. PURPOSES.**

2 *Section 2(b) of the National Fish and Wildlife Foun-*
 3 *dation Establishment Act (16 U.S.C. 3701(b)) is amended*
 4 *by striking paragraph (1) and inserting the following:*

5 *“(1) to encourage, accept, and administer pri-*
 6 *ivate gifts of property for the benefit of, or in connec-*
 7 *tion with, the activities and services of the United*
 8 *States Fish and Wildlife Service and the National*
 9 *Oceanic and Atmospheric Administration, to further*
 10 *the conservation and management of fish, wildlife,*
 11 *plants, and other natural resources;”.*

12 **SEC. 3. BOARD OF DIRECTORS OF THE FOUNDATION.**

13 *(a) ESTABLISHMENT AND MEMBERSHIP.—Section 3 of*
 14 *the National Fish and Wildlife Foundation Establishment*
 15 *Act (16 U.S.C. 3702) is amended by striking subsection (a)*
 16 *and inserting the following:*

17 *“(a) ESTABLISHMENT AND MEMBERSHIP.—*

18 *“(1) IN GENERAL.—The Foundation shall have a*
 19 *governing Board of Directors (referred to in this Act*
 20 *as the ‘Board’), which shall consist of 25 Directors*
 21 *appointed in accordance with subsection (b), each of*
 22 *whom shall be a United States citizen.*

23 *“(2) REPRESENTATION OF DIVERSE POINTS OF*
 24 *VIEW.—To the maximum extent practicable, the mem-*
 25 *bership of the Board shall represent diverse points of*

1 *view relating to conservation and management of fish,*
 2 *wildlife, plants, and other natural resources.*

3 “(3) *NOT FEDERAL EMPLOYEES.*—*Appointment*
 4 *as a Director of the Foundation shall not constitute*
 5 *employment by, or the holding of an office of, the*
 6 *United States for the purpose of any Federal law.”.*

7 *(b) APPOINTMENT AND TERMS.*—*Section 3 of the Na-*
 8 *tional Fish and Wildlife Foundation Establishment Act (16*
 9 *U.S.C. 3702) is amended by striking subsection (b) and in-*
 10 *serting the following:*

11 “(b) *APPOINTMENT AND TERMS.*—

12 “(1) *AGENCY HEADS.*—*The Director of the*
 13 *United States Fish and Wildlife Service and the*
 14 *Under Secretary of Commerce for Oceans and Atmos-*
 15 *phere shall be Directors of the Foundation.*

16 “(2) *APPOINTMENTS BY THE SECRETARY OF THE*
 17 *INTERIOR.*—

18 “(A) *IN GENERAL.*—*Subject to subpara-*
 19 *graph (B), after consulting with the Secretary of*
 20 *Commerce and considering the recommendations*
 21 *submitted by the Board, the Secretary of the In-*
 22 *terior shall appoint 23 Directors who meet the*
 23 *criteria established by subsection (a), of whom—*

1 “(i) at least 6 shall be educated or ex-
 2 perienced in fish, wildlife, or other natural
 3 resource conservation;

4 “(ii) at least 4 shall be educated or ex-
 5 perienced in the principles of fish, wildlife,
 6 or other natural resource management; and

7 “(iii) at least 4 shall be educated or ex-
 8 perienced in ocean and coastal resource con-
 9 servation.

10 “(B) *TRANSITION PROVISION.*—

11 “(i) *CONTINUATION OF TERMS.*—*The*
 12 *15 Directors serving on the Board as of the*
 13 *date of enactment of this paragraph shall*
 14 *continue to serve until the expiration of*
 15 *their terms.*

16 “(ii) *NEW DIRECTORS.*—*The Secretary*
 17 *of the Interior shall appoint 8 new Direc-*
 18 *tors; to the maximum extent practicable*
 19 *those appointments shall be made not later*
 20 *than 45 calendar days after the date of en-*
 21 *actment of this paragraph.*

22 “(3) *TERMS.*—

23 “(A) *IN GENERAL.*—*Subject to subpara-*
 24 *graph (B), each Director (other than a Director*

1 *described in paragraph (1)) shall be appointed*
 2 *for a term of 6 years.*

3 “(B) *INITIAL APPOINTMENTS TO NEW MEM-*
 4 *BER POSITIONS.—Of the Directors appointed by*
 5 *the Secretary of the Interior under paragraph*
 6 *(2)(B)(ii), the Secretary shall appoint—*

7 “(i) *2 Directors for a term of 2 years;*

8 “(ii) *3 Directors for a term of 4 years;*

9 *and*

10 “(iii) *3 Directors for a term of 6 years.*

11 “(4) *VACANCIES.—*

12 “(A) *IN GENERAL.—The Secretary of the*
 13 *Interior shall fill a vacancy on the Board; to the*
 14 *maximum extent practicable the vacancy shall be*
 15 *filled not later than 45 calendar days after the*
 16 *occurrence of the vacancy.*

17 “(B) *TERM OF APPOINTMENTS TO FILL UN-*
 18 *EXPIRED TERMS.—An individual appointed to*
 19 *fill a vacancy that occurs before the expiration*
 20 *of the term of a Director shall be appointed for*
 21 *the remainder of the term.*

22 “(5) *REAPPOINTMENT.—An individual (other*
 23 *than an individual described in paragraph (1)) shall*
 24 *not serve more than 2 consecutive terms as a Director,*
 25 *excluding any term of less than 6 years.*

1 “(6) *REQUEST FOR REMOVAL.*—*The executive*
 2 *committee of the Board may submit to the Secretary*
 3 *a letter describing the nonperformance of a Director*
 4 *and requesting the removal of the Director from the*
 5 *Board.*

6 “(7) *CONSULTATION BEFORE REMOVAL.*—*Before*
 7 *removing any Director from the Board, the Secretary*
 8 *shall consult with the Secretary of Commerce.”.*

9 (c) *TECHNICAL AMENDMENTS.*—

10 (1) *Section 4(c)(5) of the National Fish and*
 11 *Wildlife Foundation Establishment Act (16 U.S.C.*
 12 *3703(c)(5)) is amended by striking “Directors of the*
 13 *Board” and inserting “Directors of the Foundation”.*

14 (2) *Section 6 of the National Fish and Wildlife*
 15 *Foundation Establishment Act (16 U.S.C. 3705) is*
 16 *amended by striking “Secretary” and inserting “Sec-*
 17 *retary of the Interior or the Secretary of Commerce”.*

18 (3) *Section 6 of the National Fish and Wildlife*
 19 *Foundation Establishment Act (16 U.S.C. 3705) is*
 20 *amended by inserting “or the Department of Com-*
 21 *merce” after “Department of the Interior”.*

22 **SEC. 4. RIGHTS AND OBLIGATIONS OF THE FOUNDATION.**

23 (a) *PRINCIPAL OFFICE OF THE FOUNDATION.*—*Section*
 24 *4(a)(3) of the National Fish and Wildlife Foundation Es-*
 25 *tablishment Act (16 U.S.C. 3703(a)(3)) is amended by in-*

1 *serting after “the District of Columbia” the following: “or*
 2 *in a county in the State of Maryland or Virginia that bor-*
 3 *ders on the District of Columbia”.*

4 *(b) INVESTMENT AND DEPOSIT OF FEDERAL FUNDS.—*
 5 *Section 4(c) of the National Fish and Wildlife Foundation*
 6 *Establishment Act (16 U.S.C. 3703(c)) is amended—*

7 *(1) by redesignating paragraphs (3) through (7)*
 8 *as paragraphs (7) through (11), respectively; and*

9 *(2) by inserting after paragraph (2) the fol-*
 10 *lowing:*

11 *“(3) to invest any funds provided to the Founda-*
 12 *tion by the Federal Government in obligations of the*
 13 *United States or in obligations or securities that are*
 14 *guaranteed or insured by the United States;*

15 *“(4) to deposit any funds provided to the Foun-*
 16 *dation by the Federal Government into accounts that*
 17 *are insured by an agency or instrumentality of the*
 18 *United States;*

19 *“(5) to make use of any interest or investment*
 20 *income that accrues as a consequence of actions taken*
 21 *under paragraph (3) or (4) to carry out the purposes*
 22 *of the Foundation;*

23 *“(6) to use Federal funds to make payments*
 24 *under cooperative agreements entered into with will-*
 25 *ing private landowners to provide substantial long-*

1 *term benefits for the restoration or enhancement of*
 2 *fish, wildlife, plants, and other natural resources on*
 3 *private land;”.*

4 *(c) AGENCY APPROVAL OF ACQUISITIONS OF PROP-*
 5 *ERTY.—Section 4(e)(1) of the National Fish and Wildlife*
 6 *Foundation Establishment Act (16 U.S.C. 3703(e)(1)) is*
 7 *amended by striking subparagraph (B) and inserting the*
 8 *following:*

9 *“(B) the Foundation notifies the Federal agency*
 10 *that administers the program under which the funds*
 11 *were provided of the proposed acquisition, and the*
 12 *agency does not object in writing to the proposed ac-*
 13 *quisition within 60 calendar days after the date of the*
 14 *notification.”.*

15 *(d) REPEAL.—Section 304 of Public Law 102–440 (16*
 16 *U.S.C. 3703 note) is repealed.*

17 *(e) AGENCY APPROVAL OF CONVEYANCES AND*
 18 *GRANTS.—Section 4(e)(3)(B) of the National Fish and*
 19 *Wildlife Foundation Establishment Act (16 U.S.C.*
 20 *3703(e)(3)(B)) is amended by striking clause (ii) and in-*
 21 *serting the following:*

22 *“(ii) the Foundation notifies the Federal agency*
 23 *that administers the Federal program under which*
 24 *the funds were provided of the proposed conveyance or*
 25 *provision of Federal funds, and the agency does not*

1 *object in writing to the proposed conveyance or provi-*
 2 *sion of Federal funds within 60 calendar days after*
 3 *the date of the notification.”.*

4 *(f) RECONVEYANCE OF REAL PROPERTY.—Section 4(e)*
 5 *of the National Fish and Wildlife Foundation Establish-*
 6 *ment Act (16 U.S.C. 3703(e)) is amended by striking para-*
 7 *graph (5) and inserting the following:*

8 *“(5) RECONVEYANCE OF REAL PROPERTY.—The*
 9 *Foundation shall convey at not less than fair market*
 10 *value any real property acquired by the Foundation*
 11 *in whole or in part with Federal funds if the Founda-*
 12 *tion notifies the Federal agency that administers the*
 13 *Federal program under which the funds were pro-*
 14 *vided, and the agency does not disagree within 60 cal-*
 15 *endar days after the date of the notification, that—*

16 *“(A) the property is no longer valuable for*
 17 *the purpose of conservation or management of*
 18 *fish, wildlife, plants, and other natural resources;*
 19 *and*

20 *“(B) the purposes of the Foundation would*
 21 *be better served by use of the proceeds of the con-*
 22 *veyance for other authorized activities of the*
 23 *Foundation.”.*

24 *(g) EXPENDITURES FOR PRINTING SERVICES OR CAP-*
 25 *ITAL EQUIPMENT.—Section 4 of the National Fish and*

1 *Wildlife Foundation Establishment Act (16 U.S.C. 3703)*
 2 *is amended by adding at the end the following:*

3 “(h) *EXPENDITURES FOR PRINTING SERVICES OR*
 4 *CAPITAL EQUIPMENT.—The Foundation shall not make*
 5 *any expenditure of Federal funds in connection with any*
 6 *1 transaction for printing services or capital equipment*
 7 *that is greater than \$10,000 unless the expenditure is ap-*
 8 *proved by the Federal agency that administers the Federal*
 9 *program under which the funds were provided.”.*

10 **SEC. 5. ANNUAL REPORTING OF GRANT DETAILS.**

11 *Section 7(b) of the National Fish and Wildlife Foun-*
 12 *dation Establishment Act (16 U.S.C. 3706(b)) is*
 13 *amended—*

14 *(1) by striking “Congress” and inserting “the*
 15 *Committee on Resources of the House of Representa-*
 16 *tives and the Committee on Environment and Public*
 17 *Works of the Senate”;* and

18 *(2) by adding at the end the following: “The re-*
 19 *port shall include a detailed statement of the recipi-*
 20 *ent, amount, and purpose of each grant made by the*
 21 *Foundation in the fiscal year.”.*

22 **SEC. 6. NOTICE OF GRANTS TO MEMBERS OF CONGRESS.**

23 *Section 4 of the National Fish and Wildlife Founda-*
 24 *tion Establishment Act (16 U.S.C. 3703) is further amend-*
 25 *ed by adding at the end the following:*

1 “(i) *NOTICE OF GRANTS TO MEMBERS OF CON-*
 2 *GRESS.—The Foundation may not make a grant of funds*
 3 *unless, by not later than 60 days before the grant is made,*
 4 *the Foundation provides notice of the grant to the Member*
 5 *of Congress for the congressional district in which the*
 6 *project to be funded with the grant will be conducted.”.*

7 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

8 *Section 10 of the National Fish and Wildlife Founda-*
 9 *tion Establishment Act (16 U.S.C. 3709) is amended by*
 10 *striking subsections (a), (b), and (c) and inserting the fol-*
 11 *lowing:*

12 “(a) *AUTHORIZATION OF APPROPRIATIONS.—*

13 “(1) *IN GENERAL.—There are authorized to be*
 14 *appropriated to carry out this Act for each of fiscal*
 15 *years 2001 and 2002—*

16 “(A) *\$20,000,000 to the Department of the*
 17 *Interior; and*

18 “(B) *\$5,000,000 to the Department of Com-*
 19 *merce.*

20 “(2) *REQUIREMENT OF ADVANCE PAYMENT.—The*
 21 *amount made available for a fiscal year under para-*
 22 *graph (1) shall be provided to the Foundation in an*
 23 *advance payment of the entire amount on October 1,*
 24 *or as soon as practicable thereafter, of the fiscal year.*

1 “(3) *USE OF APPROPRIATED FUNDS.*—*Subject to*
 2 *paragraph (4), amounts made available under para-*
 3 *graph (1) shall be provided to the Foundation for use*
 4 *for matching, on a 1-to-1 basis, contributions (wheth-*
 5 *er in currency, services, or property) made to the*
 6 *Foundation by private persons and State and local*
 7 *government agencies.*

8 “(4) *PROHIBITION ON USE FOR ADMINISTRATIVE*
 9 *EXPENSES.*—*No Federal funds made available under*
 10 *paragraph (1) shall be used by the Foundation for*
 11 *administrative expenses of the Foundation, including*
 12 *for salaries, travel and transportation expenses, and*
 13 *other overhead expenses.*

14 “(b) *ADDITIONAL AUTHORIZATION.*—

15 “(1) *IN GENERAL.*—*In addition to the amounts*
 16 *authorized to be appropriated under subsection (a),*
 17 *the Foundation may accept Federal funds from a*
 18 *Federal agency under any other Federal law for use*
 19 *by the Foundation to further the conservation and*
 20 *management of fish, wildlife, plants, and other nat-*
 21 *ural resources in accordance with the requirements of*
 22 *this Act.*

23 “(2) *USE OF FUNDS ACCEPTED FROM FEDERAL*
 24 *AGENCIES.*—*Federal funds provided to the Founda-*
 25 *tion under paragraph (1) shall be used by the Foun-*

1 *dation for matching, in whole or in part, contribu-*
 2 *tions (whether in currency, services, or property)*
 3 *made to the Foundation by private persons and State*
 4 *and local government agencies.*

5 *“(c) PROHIBITION ON USE OF GRANT AMOUNTS FOR*
 6 *LITIGATION AND LOBBYING EXPENSES.—Amounts provided*
 7 *as a grant by the Foundation shall not be used for—*

8 *“(1) any expense related to litigation; or*

9 *“(2) any activity the purpose of which is to in-*
 10 *fluence legislation pending before Congress.”.*

11 **SEC. 8. LIMITATION ON AUTHORITY.**

12 *The National Fish and Wildlife Foundation Establish-*
 13 *ment Act (16 U.S.C. 3701 et seq.) is amended by adding*
 14 *at the end the following:*

15 **“SEC. 11. LIMITATION ON AUTHORITY.**

16 *“Nothing in this Act authorizes the Foundation to per-*
 17 *form any function the authority for which is provided to*
 18 *the National Park Foundation by Public Law 90–209 (16*
 19 *U.S.C. 19e et seq.).”.*

20 **SEC. 9. PROHIBITION ON USE OF GRANT AMOUNTS FOR IN-**
 21 **TRODUCTION OF WOLVES OR GRIZZLY BEARS.**

22 *Section 10 of the National Fish and Wildlife Founda-*
 23 *tion Establishment Act (16 U.S.C. 3709) is amended by*
 24 *adding at the end the following:*

1 “(d) *PROHIBITION ON USE OF GRANT AMOUNTS FOR*
2 *INTRODUCTION OF WOLVES OR GRIZZLY BEARS.—Amounts*
3 *provided as a grant by the Foundation shall not be used*
4 *for any activity related to the introduction of wolves or griz-*
5 *zly bears in Idaho, Montana, Utah, or Wyoming.*”.

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